

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-RWZ
)
THIS DOCUMENT RELATES TO:)
)
ALL CASES.)
)

PLAINTIFFS' STEERING COMMITTEE'S MOTION TO ENTER CASE
MANAGEMENT ORDER GOVERNING COORDINATION
OF DISPOSITIVE MOTIONS

The Plaintiffs' Steering Committee ("PSC") hereby moves the Court to enter the Case Management Order filed in conjunction herewith in order to coordinate and consolidate the scheduling of multiple motions to dismiss and motions for summary judgment that are based on the same or similar substantive law and underlying facts. In support thereof, the PSC states the following:

1. During the status conference on January 14, 2015, this Court indicated its desire to reduce the number of separate motions to dismiss it must address, by combining motions that are based on the same or similar substantive law and underlying facts. In addition, the Court indicated its desire to eliminate from the Master Complaint certain claims that have already been dismissed pursuant to previously argued motions.¹

2. The PSC has prepared a proposed Case Management Order that addresses the challenges presented by multiple dispositive motions based on the same or similar substantive law and underlying facts. The proposed Case Management Order reflects the Court's broad

¹ Transcript of Status Conference, January 14, 2015, pp. 34-5.

authority to join for hearing cases or causes that involve common issues of law and fact.² Entry of the proposed Case Management Order would not cause prejudice to any party, and it would serve the interests of judicial economy.

3. The PSC will be filing dismissals of those counts in the Master Complaint that have been addressed and dismissed by this Court in response to previously filed motions.

4. On February 18, 2015, members of the PSC shared the PSC's proposed case management order with all parties and held a telephonic conference to discuss the PSC's proposal and to solicit comments and suggestions. The attached proposed case management order reflects some of the changes requested by various defense counsel but is not a proposal fully agreed to by all parties.

WHERFORE, the PSC hereby moves the Court to enter the Case Management Order filed with this motion.

Dated: February 25, 2015

RESPECTFULLY SUBMITTED,

/s/ Patrick T. Fennell
Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: 540/342-2000
Facsimile: 540/400-0616
pfennell@crandalllaw.com

Plaintiffs' Steering Committee

Thomas M. Sobol
Kristen Johnson
Edward Notargiacomo
HAGENS BERMAN SOBOL SHAPIRO, LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: 617/482-3700

² Fed. R. Civ. P. 42(a)(1). See also *Enterprise Bank v. Saetelle*, 21 F.3d 233, 235 (8th Cir. 1994); 9A Wright & Miller, Federal Practice & Procedure 3d §2383 (2008 & Supp. 2014).

Facsimile: 617/482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415/956-1000
Facsimile: 415/956-1008
ecabraser@lchb.com
mchalos@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: 248/557-1688
Facsimile: 248/557-6344
marc@liptonlaw.com

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: 617/933-1265
kdougherty@myadvocates.com

Mark Zamora
ZAMORA FIRM
5 Concourse Parkway, # 2600
Atlanta, GA 30328
Telephone: 404/451-7781
Facsimile: 404/506-9223
mark@markzamora.com

J. Gerard Stranch, IV
Benjamin A. Gastel

BRANSTETTER, STRANCH &
JENNINGS, PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: 615/254-8801
Facsimile: 615/255-5419
gerards@branstetterlaw.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Patrick T. Fennell, hereby certify that I caused a copy of the above *Plaintiffs' Steering Committee's Motion to Enter Case Management Order Governing Coordination of Dispositive Motions*, to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access this filing through the Court's system, and notice of this filing will be sent to those parties by operation of the Court's CM/ECF system.

Dated: February 25, 2015

/s/Patrick T. Fennell
Patrick T. Fennell, VSB 40393